

### **REMARKS/ARGUMENTS**

This amendment is submitted along with a Request for Continued Examination and appropriate fee in reply to the final Office Action dated June 23, 2009. Claims 73-100 currently stand rejected. Applicant has amended independent claims 73 and 78 for clarification. Claims 83-100 have been canceled, without prejudice. New claims 101-104 have been added to further define patentable aspects of the claimed invention. No new matter has been added by the amendment.

#### **Examiner Interview**

Applicant's attorney conducted a telephone interview with the Examiner on August 4, 2009 in order to discuss certain aspects of the invention. In the interview, Applicant's attorney respectfully noted that the comparison of the profiles to identify a degree of similarity between parties that is recited in the claimed invention is actually a direct comparison, whereas the prior art does not show such direct comparison. The Examiner postulated that the rating of profiles described in Banerjee might be considered to inherently involve some comparison to a standard and suggested that Applicant further define the "direct comparison" performed by the claimed invention. In the present amendment, Applicants have further clarified the "direct comparison" performed according to embodiments of the present invention.

In light of the amendment and the remarks presented below, Applicant respectfully requests reconsideration and allowance of all now-pending claims of the present application. If any issues remain after entry of the present amendment, Applicant's attorney invites the Examiner to call the undersigned to resolve such issues at the Examiner's convenience.

#### **Claim Rejections - 35 USC §103**

Claims 73-100 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Banerjee et al. (U.S. Patent No. 6,983,273, hereinafter "Banerjee") in view of Herz (U.S. Patent No. 6,020,883). As indicated above, Claims 83-100 have been canceled, without prejudice, and thus the rejections of claims 83-100 are now moot.

Applicant has amended independent claims 73 and 78 to recite, *inter alia*, comparing the

profiles directly to each other without reference to any external information source that pre-classifies and groups similar information groups to identify a degree of similarity between parties. Accordingly, embodiments of the present invention perform a direct comparison of the profiles and do not reference any external information source for doing so. Applicant respectfully submits that the cited references, alone or in combination, fail to teach or suggest at least this feature.

Banerjee was previously relied upon for disclosing “comparing the profiles to identify a degree of similarity between parties” at FIGS. 7 and 8 and via disclosure at col. 9, lines 24-33, col. 6, lines 59-67 and col. 8, lines 1-36. Banerjee’s disclosure at col. 9, lines 24-33 merely relates to a results page showing results for a particular search and in no way relates to comparing profiles, much less directly comparing profiles as provided in independent claims 73 and 78. Col. 6, lines 59-67 of Banerjee describes indexing site content and is also not related to comparing profiles directly as provided in independent claims 73 and 78. Col. 8, lines 1-36 of Banerjee further describes the indexing process involving obtaining ratings for linked sites from co-opted servers. The ratings obtained are, however, not arrived at by comparing profiles directly to each other without reference to any external information source that pre-classifies and groups similar information groups as provided in independent claims 73 and 78. Moreover, Banerjee specifically describes the analysis techniques it performs prior to obtaining the ratings as involving “well known” techniques involving using keyword lists to categorize content of sites based on the words in each cite. This type of analysis does not include any direct comparison of sites to each other. Accordingly, Banerjee fails to teach or suggest comparing the profiles directly to each other without reference to any external information source that pre-classifies and groups similar information groups to identify a degree of similarity between parties as provided in independent claims 73 and 78.

Herz is directed to a method of scheduling broadcast of and access to data based on customer profiles. However, the customer profiles of Herz are determined based on questionnaires, customer demographics, relevance feedback, and the like and are compared with content profiles determined from questionnaires (col. 4, lines 43-51). Thus, the profiles of Herz are clearly based on advanced knowledge acquired from questionnaires or the like, which

constitute an external information source used in pre-classifying and grouping similar information groups. Moreover, the profiles of Herz are clearly not compared directly to each other. As such, Herz also fails to teach or suggest comparing the profiles directly to each other without reference to any external information source that pre-classifies and groups similar information groups to identify a degree of similarity between parties as provided in independent claims 73 and 78.

Since Banerjee and Herz each fail to teach or suggest comparing the profiles directly to each other without reference to any external information source that pre-classifies and groups similar information groups to identify a degree of similarity between parties as provided in independent claims 73 and 78., independent claims 73 and 78 are patentable over the cited references, alone or in combination. Claims 74-77 and 79-82 each depend directly or indirectly from a respective one of independent claims 73 and 78 and therefore include all the recitations of their respective independent claims. Thus, dependent claims 74-77 and 79-82 are patentable for at least the same reasons given above for independent claims 73 and 78. New claims 101-104 also depend from respective ones of independent claims 73 and 78 and are patentable at least by virtue of their dependency from patentable independent claims.

Accordingly, Applicant respectfully submits that claims 73-82 are patentable.

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**CONCLUSION**

In view of the amendments to the claims and the remarks presented above, Applicant respectfully submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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